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OFFICIAL

Date: April 28, 2004

To: Examiner Thamthom Ngo Truong
US Patent and Trademark Office
Fax: 571-273-0676

Subject: USSN: 10/017,695
Our Ref.: Bayer 9962.3

From: Howard C. Lee

Comments: Filing of: Terminal Disclaimer (3 pgs.)

If you have any questions or need further information, please contact us.

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Bayer 9962.3-HCL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : LIEB et al.
SERIAL NO. : 10/017,695
FILED : December 14, 2001
FOR : Alkyl-dihalogenated phenyl-substituted ketoenols
useful as pesticides and herbicides
ART UNIT : 1624
EXAMINER : Tamthom Ngo Truong

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April 28, 2004

Honorable Assistant Commissioner for Patents
P.O.Box 1450, Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Bayer AG, represents that it is the assignee of the above-identified application by virtue of an assignment which was recorded in the U.S. Patent Office on October 31, 1997 at Reel 8968, Frame 0599. Your petitioner hereby disclaims the terminal portion of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,380,246 B1, issued April 30, 2002, for Alkyl-Dihalogenated Phenyl-Substituted Ketoenols Useful As Pesticides And Herbicides, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,380,246 B1, this agreement to run with any patent granted on the above-identified application and to be

binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any Terminal Disclaimer of U.S. Patent No.6,380,246 B1 in the event that it later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid, (4) is statutorily disclaimed in whole, (5) is terminally disclaimed under 37 C.F.R. 1.321(a), (6) has all claims cancelled by a reexamination certificate, or (7) is otherwise terminated prior to the expiration of its statutory term as presently shortened by any Terminal Disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney/agent of record and authorized to sign and submit this terminal disclaimer.

ADDITIONAL FEES

The Commissioner is hereby authorized to charge any fees which may be required, including the Terminal Disclaimer fee of \$110.00, or credit any overpayment to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS, McLAUGHLIN & MARCUS

By: Howard C. Lee
Howard C. Lee
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Terminal Disclaimer is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: April 28, 2004

By: Agata Gliniska
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